



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

1856. 4 report of the National of Commerce Association.

W. U.K.

530

822a4

L. Long. C. 29 C. Mercantile 2

CW.U.K.

X 530

T822 a 4

THE
FOURTH REPORT
OF THE
TRIBUNAL OF COMMERCE
ASSOCIATION.

WITH
AN APPENDIX GIVING A FEW CASES ILLUSTRATIVE OF
THE HARDSHIPS AND ABSURD CRUELITIES INFLICTED ON SUITORS
BY THE PRESENT STATE OF THE LAW.


THE COPIES OF LETTERS FROM THE ARCHBISHOP OF CANTERBURY,
THE BISHOP OF CHICHESTER,
DR. THORPE, D.D., LORD BROUGHAM, LORD OVERSTONE, LORD JOHN RUSSELL,
THE EARL OF HARRINGTON, LORD WHARNCLIFFE,
LORD STANLEY, LORD EBRINGTON,
AND THE COPY OF A LETTER TO KIRKMAN D. HODGSON, ESQ.,
A BANK DIRECTOR, THE OPINIONS OF THE PRESS,
AND THE EXCUSES OF CERTAIN RICH MEN OF THE CITY OF LONDON
FOR NOT SUPPORTING THE MOVEMENT, ETC., ETC.

"He who first proposes to make his way through an untraversed wilderness
must not hope all at once to find out the right paths."

LONDON:
EFFINGHAM WILSON, 11, ROYAL EXCHANGE.
1856.

Library of Congress

LONDON: PRINTED BY WOODFALL AND KINDER,
ANGEL COURT, SKINNER STREET.



OPINIONS OF THE PRESS.

THE MORNING HERALD.

"The movement (for a Tribunal of Commerce) appears to be making progress since it has broken ground, and although, perhaps, more tardy of advance than its author might feel to be desirable—yet on the whole it may be deemed satisfactory, for the safest of all reforms are those which are most patiently elaborated and submitted to the test of the most authoritative weight of evidence. Mr. Lyne has done well, therefore, to collect a synopsis of public opinion on the subject, wherein is embodied a mass of testimonials of the highest authorities, judicial, legislative, professional, parliamentary, mercantile, manufacturing, and trading with a vast majority of the press, from the Lord Chancellor, Lords Denman, Campbell, Overstone, Lord John Russell, Lord Wharncliffe, and Sir J. Romilly, downwards, impressively advocating reforms in the administration of commercial law, and for the greater part the more especial institution of Tribunals of Commerce, to the end."

THE ATHENÆUM.

"Until some better method of administering the commercial law of this country is provided, we shall seek in vain for any real remedy by merely correcting the details of our legislation."

THE TIMES.

"If we wish to substitute simplicity for complexity, and natural narrative for technical jargon, it will be much easier to do this by FOUNDING A NEW SYSTEM logically deduced from a few simple and admitted principles."

"When Englishmen some time since pointed to France and to the Code Napoleon, they were told that the whole system based upon that code was unsuited to England. This answer silenced if it did not convince."

THE DAILY NEWS.

"The extraordinary thing is, that the merchant princes of the world's emporium should so long have submitted the settlement of their mercantile transactions to the costly and comparatively ignorant arbitration of lawyers."

"HOUSEHOLD WORDS," BY CHARLES DICKENS.

"There are tales of the counter and the counting-house which would stir flesh and blood with very simple telling * * * * * The mockery of law, which, after grinding and grating upon a man's heart year after year for eight years, tossing him on a bed of thorns while his case was being argued and re-argued, heard and re-heard in court after court,—advises him to bring the whole case before a competent tribunal! Where is there such a thing (for patent wrongs) as a competent tribunal in England, as the law now stands?"

THE LAW REVIEW.

"Mr. Francis Lyne has addressed a letter to Lord Brougham in the papers * * * We extract the following passages relative to the important subject of Tribunals of Commerce, now, we sincerely rejoice to find, occupying the attention of the mercantile body in the city of London."

THE MORNING CHRONICLE.

"The official leaders of Parliamentary deliberation have established NO CLAIM either on our gratitude for the past, or on our confidence for the future. Of the important improvements which have been made in various departments of our jurisprudence, very few can be said to be, in any sense of the term, Government measures."

THE TIMES.

"It would be idle to waste further time in discussing a general principle * * * We do not pronounce a man's judgment to be independent when his reason directs him to one conclusion, and his interests—real or supposed—draw him to another."

"MEN GROWN DESPERATE ARE APT TO MAKE SHORT WORK OF IT WHEN THEY BEGIN,* AND THE PEOPLE OF ENGLAND CANNOT CONSENT TO BE THE ONLY NATION IN THE WORLD IN WHICH AN AGED, DECREPIT, AND WORN-OUT AS WELL AS COMPLICATED SYSTEM IS PERMITTED TO HANG UPON, AND WEIGH DOWN, AND CRUSH THE ENERGIES OF AN OTHERWISE ACTIVE AND IMPROVING PEOPLE."

THE ECONOMIST.

"We do not condemn Chambers of Commerce; but the difference between them and Commercial Tribunals, and the superior advantages of the latter, ought not to be overlooked."

THE TIMES.

"Just at this minute some lawyer, a man segregated from the lay world, and initiated in all the hidden mysteries of the craft, comes forth from the ranks and DECLARES THAT THE UNLEARNED OBJECTORS ARE IN THE RIGHT."

* VIDE APPENDIX.

FOURTH REPORT.

THE Committee of the "Tribunal of Commerce Association" consider that the time has arrived when it is due to their subscribers, and of advantage to the public, that they should report the progress that has been made toward carrying out the objects for which the Association was originally formed.

It will be remembered, that the first Committee was composed of the following gentlemen, soon after the Meeting at the Hall of Commerce, on the 19th February, 1851, which was presided over by the Lord Mayor of London, viz. :—

COMMITTEE.

THE RIGHT HON. LORD WHARNCLIFFE, President.

RICHARD THORNTON, Esq. (Messrs. R. & R. Thornton and West.)	JOSEPH HUME, Esq., M.P. for Montrose.
SIR JAMES DUKE, Bart., M.P. for the City of London.	JOHN WILLIAMS, Esq., M.P. for Macclesfield.
ARTHUR ANDERSON, Esq., M.P. for Orkney and Shetland. (Peninsular and O. S. N. Company.)	JACOB BELL, Esq., M.P.
FREDERICK SOMES, Esq. (Messrs. Jos. and Fred. Somes.)	ROBERT J. TENNENT, Esq., M.P. for Belfast.
CHARLES COWAN, Esq., M.P. for Edinburgh. (Messrs. Alexander Cowan and Sons.)	JAMES KERSHAW, Esq., M.P. for Stockport.
JOHN MACGREGOR, Esq., M.P. for Glasgow, and Governor of the Royal British Bank.	J. LEWIS RICARDO, Esq., M.P. for Stoke-upon-Trent.
THOMAS Q. FINNIS, Esq., Alderman. (Messrs. Finnis and Fisher.)	WILLIAM MARSHALL, Esq., M.P. for East Cumberland.
EDWARD L. BETTS, Esq. (Messrs. Peto, M.P. for Norwich, and Betts.)	D. C. AYLWIN, Esq. (Messrs. D. C. Aylwin and Co.)
MATTHEW FORSTER, Esq., M.P. for Berwick. (Messrs. Forster and Smith.)	WILLIAM TOTTIE, Esq. (Messrs. Charles Tottie and Son.)
ROSS D. MANGLES, Esq., M.P. for Guildford. (East India Director.)	MONTAGU GORE, Esq.
B. M. WILCOX, Esq., M.P. for Southampton. (Peninsular and O. S. N. Company.)	THOMAS ASTON, Esq. (Messrs. Aston, Griffiths, and Co.)
WILLIAM SCHOLEFIELD, Esq., M.P. for Birmingham.	HENRY HANMER LEYCESTER, Esq.
	COUNT DE TORRIE DIAZ. (Messrs. Zulueta and Co.)
	ALEXANDER BLACK, Esq. (Messrs. Black and Gayford.)
	LAWRENCE HRYWORTH, Esq., M.P. for Derby.
	GEORGE SANDERS, Esq., M.P. for Wakefield.

J. B. SMITH, Esq., M.P. for Stirling.	H. MUGGERIDGE, Esq. (Messrs. H. and E. Muggeridge.)
JOHN HALL, Esq. (Messrs. Hall and Boyd.)	J. HIPPISLY JACOB, Esq. (Messrs. Carr and Jacob.)
WILLIAM SWANN, Esq.	EDWARD MACMURDO, Esq. (Messrs. Davy, Mackmurdo, and Co.)
JOSEPH TRUEMAN, Esq. (Messrs. Trueman and Rouse.)	THOMAS HENRY PLASKET, Esq. (Messrs. Plasket Brothers.)
JOHN BOYES, Esq. (Messrs. Farley and Boyes.)	MICHAEL T. BASS, Esq., M.P. for Derby. (Messrs. Bass, Ratcliffe, and Gretton.)
JOHN JOHNSON, Esq. (Messrs. John Johnson and Son.)	JEREMIAH EVANS, Esq. (Messrs. Evans, Son, and Co.)
R. J. R. CAMPBELL, Esq. (Manager of Western Bank of India.)	

TRUSTEES.

The Right Hon. LORD WHARNCLIFFE.
MONTAGU GORE, Esq.

FRANCIS LYNE, Esq., Honorary Secretary, 12, Mark Lane.

The special object of the Association was to call attention to Tribunals of Commerce and Reconcilement Courts, under the belief that, in the Courts of Reconciliation (which occupy, in some degree, the position of civil grand juries), a very considerable number of cases might be amicably settled before passing into the hands of the legal profession, which (however honest individually) has a direct pecuniary interest * in aggravating the ill feelings and exaggerating the conflicting claims of Plaintiff and Defendant; and that, in Courts of Arbitration, gentlemen of special qualifications, from their knowledge of the usages of commerce, the implied meaning in contracts, the technicalities connected with trade, manufacturing processes, patent rights with building, mining, navigation, marine insurance, and so forth, should decide upon the many cases constantly arising in this eminently commercial country, which are now left to the lottery of purely lawyer-made tribunals, without any security that the lawyer, judge, or the *chance* collected jury in the *slightest* degree comprehend the questions on which they are called upon to decide.

The first step taken by the Executive Committee was to ascertain the opinion of the merchants and traders of London, as well as the Chambers of Commerce throughout the country, as to the necessity for, and best means of, effecting a reform of our system in the administration of commercial law. Very great and many difficulties were presented to your Committee, and this led them to seek advice from some of the most eminent lawyers in this

* It is said, on good authority, that there are upwards of 100 starving attorneys in London eager for opportunities.

country; and, by their advice, your Committee obtained for their guidance information from France, Malta, Belgium, Denmark, the Danish island of St. Thomas, and other places, where these Tribunals of Commerce have long been established, and where the principle on which they act is found to be not only an advantage to the merchant, BUT A NECESSITY for the due administration of justice to those who pass their lives in the midst of usages on which, in the hurry of business, they repose all their confidence.

By various meetings and numerous publications, your Committee strived to arouse the public mind to the consideration of these facts. Their labour was very heavy; and difficulties were presented at one time which appeared to be insurmountable, owing to the general belief that such a revolution in principle as your Committee suggested would never be sanctioned in this country. In 1853 it was proposed that your Committee should prepare a petition to the Houses of Lords and Commons, praying for inquiry into the whole subject; but your Committee, though using every exertion, could not get the merchants and traders to sign it, chiefly on account of the fear, as it appeared to your Committee, of giving offence to the legal profession. Under these circumstances, it was determined that your present Chairman (Mr. Francis Lyne) should sign the petition, in the name of the Association, and the following was the result:—

“IMPERIAL PARLIAMENT.—HOUSE OF LORDS, FRIDAY, 24TH JUNE, 1853.—TRIBUNALS OF COMMERCE.

“Earl Granville presented a Petition from an Association in London for the Improvement of the Law, representing the advantages which would ensue from the establishment of Tribunals of Commerce in this country.

“Lord Wharncliffe said, he considered this petition worthy of attention. The subject of the establishment of Tribunals of Commerce was of great importance to the mercantile world. Tribunals of Commerce were often confounded with Chambers of Commerce, but nothing could be more distinct. Chambers of Commerce were for the protection of the public interests of the trade. Tribunals of Commerce were for adjudicating upon matters of dispute; and, being composed of mercantile men, they were far more likely to arrive at a just determination of such questions than others could possibly be, and, in the absence of any proposal on the subject from Government, he should feel it his duty to direct their Lordships’ attention to the subject in the course of next Session.”

Soon after this, the health of the late Lord Wharncliffe gave way, and in his loss your Committee and the public sustained a calamity which it would be too painful to attempt to picture.*

However, by vast labour, time, and a very large expenditure of money, your Committee carried their publications into all parts of Great Britain; and the difficulty of getting the public to sign the petition has now passed away, as every other difficulty has; and your Committee, with humility and gratitude, wish to report that the most abundant success has, at length, crowned all their labours; the petitions that they now hold, addressed to the Houses of Lords and Commons, are signed by the Right Hon. the Lord Mayor of the City of London, by many of the senior Aldermen, by Mr. Sheriff Kennedy, by William Pritchard, Esq., High Bailiff of the Borough of Southwark, by peers of the realm, by the mayors and senior magistrates of the following places—Sheffield, Torquay, Haverfordwest, Leominster, Bolton, Yeovil, Petersfield, Swansea, Shoreham, Ramsgate, Bedford, Llanely, Reading, Faversham, Peterborough, Congleton, Stoke-upon-Trent, Lyme Regis, Chipping Norton, Southampton, Winchester, Folkestone, Halifax, Dover, Hartlepool, Oxford, Cambridge, Totness, Newport, Monmouth, &c.; and your Committee beg of you to keep in mind that all these gentlemen represent Town Councils. Your Committee have also secured the support of the following Chambers of Commerce:—Liverpool, Bristol, Worcester, Plymouth, and many others. Bankers, also, of the very highest importance, in twelve of our largest trading towns, have signed the petition; and so have Dr. Lee, LL.D., Mr. Alderman Wire, and other lawyers, who have been in practice for nearly half a century. One of the largest law stationers in London has also signed the petition, as he has told your Committee, because of very strong conscientious feelings urging him so to do; and when the principle of the Reconciliation Court, so strongly urged by Lord Brougham, was clearly set forth by your Committee, then very many of the most eminent of the Metropolitan clergy, representing all creeds, came forward and signed the petition prepared by your Committee; and to these are to be added hundreds of signatures, representing some of the largest merchants, traders

* No chisel could ever yet cut breath, but in the monuments erected to other men, the late Lord Wharncliffe lives; for, to each cold, unfeeling figure of a man I see, I exclaim, "How unlike the late Lord Wharncliffe!"—F. L.

and brokers of the City of London, employing millions of pounds sterling as capital in the trade of the country.

The business of your Committee is confined to the seeking out a system that will tend to prevent litigation, and that will, when disputes do take place, administer justice, as far as possible, without costs too heavy to bear.

Your Committee are not law reformers, in the strict sense of the word, but they do with gratitude admit that law reformers have done a vast deal of good for the country since 1852; rapidity and economy have both come from their labours; the present powers of the County Courts are a great blessing for the country; the processes of the Superior Courts of Law have been simplified and rendered cheaper; the Court of Chancery has been pruned down, and prepared for yet more unsparing pruning; the Court of Bankruptcy has been remodelled; the Encumbered Estates Courts in Ireland have shown what can be done, where the will really exists, for simplifying the laws affecting landed property, and, in fact, cutting the Gordian knot which conveyancers, at so much a folio, have been engaged in tying round the necks of our landed proprietors for more than three centuries. Altogether, lawyers and law-makers have been compelled by the force of public opinion (in the education of which the "Tribunals of Commerce Association" has had no unimportant part) to make a series of very decided, although still lamentably insufficient, steps in advance.

But the public have still reason to complain, and do, as set forth in their petitions, complain, that a vast number of cases are carried into Courts of Law, and what, in judicial facetiousness, are called Courts of Equity, at an enormous consumption of time and money, which ought never to have been litigated at all, and which never would have been litigated * had there been tribunals before which Plaintiffs and Defendants could be summoned to a private hearing, with the view of effecting a reconciliation, without placing their disputes in the hands of a profession whose interest it is to prolong negotiations and aggravate differences. It is at this point that your Committee appear as reformers, and insist upon it that the change they plead for would put an end to a fearful amount of distress now existing in this country. It should be remembered that questions of simple contract debt, and

* Vide Appendix.

all matters of account, especially those of partnerships, EXECUTORSHIPS,* trusteeship, marine insurances, charter parties, and such like, give rise to questions which a judge versed in accounts, sitting from day to day, with full powers to examine all parties interested, would decide in a week, are still carried into Courts of Law, and there litigated until the funds are exhausted and the parties ruined, or referred to arbitration after a vast useless expense has been incurred.

That disputes about patents of inventions, involving for the comprehension of the merits of each case a knowledge of at least the principles of mechanics, or hydraulics, or chemistry, are dragged through a series of courts, under the harrows of judges and juries who learn all they know on the subject *on the day of the trial*, from contradictory statements of adverse advocates and opposing scientific witnesses! That under our jury system a question of agricultural cultivation may be left to a jury of merchants, and a question of a purely nautical character to a jury of farmers and country shopkeepers, and that a series of other anomalous absurdities are perpetrated whenever English justice is put in motion to decide any question of fact, and which involves special technical knowledge.

Your Committee have thought it right to give in the Appendix to this Report a few cases† illustrative of the hardships and absurd cruelties inflicted on suitors by the present state of the English law. Of Scotch law they will only observe, that it is so involved and unjust in its operation as regards Englishmen, that many respectable English firms, as your Committee are well informed, absolutely refuse to give any credit in Scotland, having found by experience that it is almost impossible for an Englishman to recover debts in that country. Your Committee believe that among the numerous parties of high standing in all the money-making pursuits of this country, there would be no difficulty in finding individuals capable of inspiring confidence as arbitrators on all special and technical questions.

Your Committee would recommend that lists of such individuals, classified under the heads of their special qualifications, should be annually prepared; as, for instance, merchants in various

* Vide Appendix.

† Selected by, and given on the personal responsibility of, the Chairman.—F. L.

branches of trade, produce and ship brokers, agriculturists and land agents, miners, textile manufacturers, ship-builders, navigators, &c., to be pricked for to serve for the year.

Your Committee would further advise that a general Act should be passed to give special powers to arbitrators, which would render a deed of submission unnecessary. These lists should be published by authority, and the fees fixed.

By such a system a great step in advance would be made, as the difficulty of finding an arbitrator would be overcome, as well as the delay and difficulty of preparing and executing a deed of submission. In addition to published lists of public arbitrators, might be powers given to Judges in Chambers, or County Court Judges, to decide in the earliest stage of a dispute, say, of accounts, or as to the quality of goods manufactured, that *it was a proper case for arbitration, an immense amount of litigation might be saved by thus at once destroying the power of a stubborn or a dishonest man.** As to the appointment of judges or courts of reconciliation, it is believed that the office might with advantage be established on a purely honorary footing like our unpaid magistracy; but this is a point on which your Committee lay no stress.

In considering the possibility of superseding, to a very great extent, the operations of the Courts of Law and Equity and Admiralty and the Ecclesiastical Courts by Courts of Arbitration, it is well to be remembered that some of the most intelligent and acute of the commercial community decide all their differences by arbitration. In every county, among agriculturists, there are a number of practical men who add to their business as farmers that of valuers, and decide nine-tenths of the disputed questions between landlords and the ingoing and outgoing tenants without resorting to law. But secret Courts your Committee absolutely object to.

The Quakers, the Jews, and the Greeks settle all their differences by arbitration, and all the great commercial countries in Europe make the principle compulsory, as some of our insurance offices and other public bodies now do. Among railway engineers and contractors in this country, disputed questions are almost invariably referred to an engineer, by some of whom hun-

* Vide Appendix.

dreds of thousands of pounds and scores of cases are decided in the course of a year. Your Committee believe that the objects sought by your Association are of an eminently practical and beneficial character, and they feel confident that the great commercial public are now made fully aware of the important benefits, as regards the home and foreign trade of this country, which might be derived from Reconciliation and Arbitration Courts. Your Committee, therefore, humbly pray of you to continue to them your liberal support, so that at the last their labours may be crowned with complete success.

FRANCIS LYNE, *Chairman.*

At a MEETING held at the LONDON TAVERN on the 9th May, 1856,

It was Moved by THOMAS ASTON, Esq.,

Seconded by GEORGE REAY, Esq.,

That this REPORT be adopted, printed, and circulated.

Adopted *Nem. Con.*

FRANCIS LYNE, *Chairman.*

APPENDIX.

6, Hunter Street, Brunswick Square,
16th May, 1856.

KIRKMAN DANIEL HODGSON, Esq.

Messrs. FINLAY, HODGSON & Co.

DEAR SIR,—The time has now arrived when the Tribunal of Commerce Association cannot longer delay giving to the public its Fourth Report with candour and fearlessness. I shall endeavour to show that if high station has luxuries to enjoy, it also has responsibilities from which it cannot escape, and that it is unwise in the rich to provoke both the power and “*the inconvenience of the ten commandments*.” The treatment I have experienced from your party has been cruel towards myself, and unjust towards the public. When I was a very young man, Mr. John Benjamin Heath reported to me so favourably of one of his foreign correspondents (I am well convinced saying at the time what he felt), that in my very first transaction I lost nearly £10,000 by the man; this circumstance I did hope (as long ago I wrote to Mr. Heath) would have induced him to have had some kind feeling for me when, for a public good, I had got into some trouble; but you are all, in the Bank Parlour, cruel and unfeeling, and hard against me, but I have done my utmost, and with long suffering, to save your class; at the last, however, by your treatment (I mean that of your party), the question was presented to me, “Which would I do, sacrifice the Golden Image in the City of London, or the cause of truth now placed in my hands?” The painfulness of my position every proper thinking man will sympathise with, as he reflects on the world-wide interests now in my keeping, staked upon my honour and every feeling that has the rule over me, commanding that I do not allow any man to trifle with the movement.* Mr. Hankey’s conscientious scruples, and yet his refusing to meet me, when, through you, I have told him he is cloaked in untruth, has caused much to burst forth now, which must be painful to many, and for which I hold him responsible, for he left me by his conduct without the power to save the most guilty; and let me assure you when I say that the Appendix to our Report will be painful to you, that it is also, *very*, to myself, and believe me, if it was not painful to me to give pain, I would multiply gross cases of wrong and robbery by members

* “You must obey me soon or late :
Why will you vainly struggle with your fate!”

DRYDEN.

of your class; what I have given I give to serve the country, not to gratify any malice of my own, as you will judge by all I have done (as you now know) to avoid it. I hope I have exposed enough to show British oppression in its most powerful and ghastly form, and that no more will be required of me to urge Great Britain, as one man, to take up the cause I plead for; for in this country now, if the rich and the poor fall out, the poor cannot be saved by truth—it requires the money of the rich to get the luxury of justice. I too well know now that all great movements require strength, courage, and sagacity. I can only say my strength now rests on Mr. Hankey's conduct—my courage on the cause of truth; and as for sagacity, vice was so manifest in the reasoning of Mr. Hankey's letter which you sent to me, and his subsequent proceeding, that I could not help seeing the virtue of destroying such an ambush foe to a great and noble cause. I remain,

Yours very faithfully,

FRANCIS LYNE.

Brougham Hall,
25th Sept., 1850.

Lord Brougham presents his best compliments to Mr. Lyne, and thanks him very cordially for his suggestions, which are of much importance. Lord Brougham will fully consider the subject, and be happy to confer with Mr. Lyne upon it.

Overstone Park,
26th Oct., 1850.

SIR,—I beg to acknowledge your letter of yesterday's date. The subject to which you appear to have directed your attention is, undoubtedly, one of great importance, though not unattended with its difficulties.*

Any plan of a practicable character by which the administration of the law may be rendered more prompt, certain, and less costly, or by which reasonable Arbitration may be substituted for legal redress, would be a great benefit to the trading and commercial community. Your views upon this subject have not come under my notice beyond the information contained in your letter to me; but, *I sincerely wish success* to every effort which has this object in view; and I can only express my regret that my absence from town and the pressure of other unavoidable engagements render it impossible for me to undertake the duty of devoting my attention to the details of this subject; a duty

* "Though not unattended with its difficulties," the fate of everything worth having: it is natural that a system, invented for the creation of costs, would not easily yield; but we have outlived the day when the word "difficulty" is understood to mean "impossibility." Coaches do go without horses now; our forefathers made a joke of the idea.—F. L.

which I think may be more effectually discharged by some person who is still engaged in the active pursuits of commerce.*

I have the honour to be,

Sir,

Your obedient servant,

OVERSTONE.

Harewood House, Leeds,
19th Dec., 1855.

MY DEAR SIR,—I shall have great pleasure in signing the petition of the Tribunal of Commerce Association, particularly so as I know what great importance my late father attached to the cause in which you are so perseveringly labouring. You are perfectly at liberty to publish my name in connection with those already printed. On my arrival in town I will transmit to you some assistance towards the heavy expenses which you say have devolved upon the Association.

Yours faithfully,

WHARNCLIFFE.

F. Lyne, Esq.

Elvaston Castle, Derby,
18th Dec., 1855.

DEAR SIR,—I do not quite understand your petition. You require in one part a cheap Tribunal of Commerce, and in another part an Arbitration Court. I construe your meaning to be the two combined. The principle is admirable, is advocated by Bentham, and practised in Denmark. If my name is of any use to your object, it is freely given. I remain,

Yours very truly,

HARRINGTON.

Francis Lyne, Esq.

Wrexham Abbey, near Warwick,
Dec. 21, 1855.

SIR,—I have read your printed paper and proposed petition with great interest, and I shall feel it a privilege to sign your petition, and to attend your public meetings, and say and help others to say what the law is as a moral arbiter of disputes and champion of truth. I agree in every word of the paper, and fully authorise you to use my name if you wish it. I shall be glad to hear of your progress.

I am, Sir, your very obedient Servant,

CHANDOS W. HOSKYNS.

Francis Lyne, Esq.,

&c. &c. &c.

* How to make hare soup: FIRST catch the hare, &c. How to lead Law Reform in the City: FIRST catch a Leader (the late Lord Wharncliffe). I always wished that the late Lord Wharncliffe should have England's gratitude for this movement, and as I could not have done anything whatever without him, to his memory it is abundantly due.—F. L.

Carlton Gardens,
4th April, 1856.

Lord Overstone begs to acknowledge Mr. Lyne's letter of this day. Lord Overstone *very much regrets* * that his time is so fully occupied with existing engagements of a domestic as well as of a public nature that it will, he fears, be impossible for him to attend the meeting alluded to by Mr. Lyne.

St. Swithin's Lane,
9th May, 1856.

MY DEAR LYNE,—I have many apologies to make to you for my absence from your meeting to-day, but the fact was, I was detained most unexpectedly by the prolongation of a sudden meeting of our Administration Reform Committee, to which Mr. Roebuck had been invited, and subjects of discussion arose which I could not desert. But I may say to you that I think the plan of proceedings we have adopted in that meeting will give you greater support than any we could acquire by ourselves. Nevertheless, pray believe that I did not shirk you.

Yours faithfully,
J. J. TRAVERS.

F. Lyne, Esq.

Reform Club, Pall Mall,
11th Feb., 1856.

MY DEAR SIR,—On my arrival here, I found your favour of the 24th of December. Enclosed, I hand a subscription in my cheque to the funds required to prosecute the movement for establishing in this country a Tribunal of Commerce. You are quite at liberty to publish my name in connection with this very excellent movement.

I am, my dear Sir, yours truly,
LAWRENCE HEYWORTH.

Francis Lyne, Esq., Chairman of the
Tribunal of Commerce Association.

FROM LORD JOHN RUSSELL, M.P.

Roelborough Manor,
Jan. 25th, 1856.

SIR,—I shall be happy to present your petition, but I cannot commit myself as to the course which I may hereafter take upon it.† The subject is, no doubt, one of very great importance. I remain,

Your obedient Servant,
J. RUSSELL.

Francis Lyne, Esq.

* I have placed much confidence in Lord Overstone. When I was a young man I used to meet his Lordship at the house of a mutual friend, and then I was made acquainted with the value of his Lordship's private character.—F.L.

† Such an answer would not have been given to a Petition that has cost the public nearly 2000 guineas if offered to Lord John by Mr. Baring.—F. L.

Petersfield, Dec. 23rd, 1855.

DEAR SIR,—I have no hesitation in allowing you to affix my name to "the Tribunal of Commerce Petition," and the conviction that every thoughtful man must entertain as to the absolute necessity of improvement in this and in many other directions is second only to the feeling near a-kin to shame, that our so-called governing bodies, instead of initiating* measures for the good of the commonwealth, should waste their time in the profitless pursuit of party interests, and their energies in the vain effort to obstruct *the inevitable progress of the people of this country*. Excuse the length of this reply to your question, and believe me to be,

Dear Sir,

Your very obedient Servant,

R. S. CROSS,
Mayor of the Borough.

FROM THE REV. MR. POCOCK, INCUMBENT OF ST. PAUL'S.

Great Portland Street, Marylebone.

DEAR SIR,—I am favoured with your address regarding the establishment of Arbitration and Reconcilement Courts in this country, and feeling that the subject is one in which very important results may be involved, and which at least deserves inquiry, I have, as requested, signed the petition forwarded to me, and return the same as you desire.

I remain, dear Sir,

Yours very truly,

G. POCOCK.

TO FRANCIS LYNE, ESQ.

Castle Hill,
Jan. 29, 1856.

SIR,—I should sooner have answered your letter of the 24th had not my own plans still been somewhat uncertain. I am afraid, even now, it may be rather doubtful whether I shall be able to attend your public meeting, as I shall be liable to be called away from here at short notice. I shall, however, have great pleasure in attending it if I possibly can, and I, meanwhile, gladly authorise you to affix my name to the petition in favour of the establishment of Tribunals of Commerce. The more I see of the administration of justice in this country, and of the working of our law of evidence (greatly as that has been recently improved), the more convinced I feel of the prohibitory nature of the tax imposed upon recourse to legal redress for injustice and wrong, in the shape, not only of loss of time and expenses, but of technicalities of proof required, and of the moral torture of witnesses, by counsel permitted in our courts. These evils seem to me to be general in their nature, and press with particular severity upon parties aggrieved in the

* I hope Lord John Russell will feel how true this is.—F. L.

course of commercial transactions, especially where those transactions, however important to the parties, do not involve great amounts of property. I therefore heartily wish success to your association, as being well calculated to remove or mitigate this particular class of practical denials of justice.

I remain,
Your most obedient Servant,
EBRINGTON.

St. James's Square,
April 15th, 1856.

SIR,—On consideration, feeling doubtful whether the proposition which you have put forward will obtain the support of eminent mercantile men, and thinking also that it ought to originate with that class whom it most directly affects,* I must decline to take any steps respecting it. I shall, however, bear it in mind, and think it probable that some part, at least, of what you propose may be embodied in future legislation.

I remain, your obedient Servant,
STANLEY.†

F. Lyne, Esq.

FROM MR. LYNE TO HIS GRACE THE ARCHBISHOP OF
CANTERBURY.

Tribunals of Commerce Association,
12, Mark Lane, Dec., 1855.

MY LORD: May it please your Grace,—Under the influence of the truthful words, “blessed are the peace-makers,” we take the liberty of asking your Grace to do us the honour to read the enclosed printed paper, and to assist us in our labour by signing the petition in question to the Legislature.

We feel convinced that the establishment of Arbitration and Reconciliation Courts in this country would vastly aid *your Grace's efforts* to give to us a pure religion; because, as we believe, such Courts would turn the thoughts and hearts of men from those wicked hopes which

* What a ghastly picture I can draw, to prove how true, for the exercise of an ungodly power, this is, and has been; and how well the words here come in—“*go and utterly destroy.*”—F. L.

† Dean Swift,—“You are my son, Sir! *all but your head*, and that's your mother's.”

The Cockney to the noble Lord,—“Im all right, my Lord, but my head, and that's ‘*cruel bad surely*,’ but that, my Lord, is the old Lady's of Threadneedle Street—‘a tarnation misfortune’—it's *no fault* of mine, my Lord!!”

The Governor of the Bank of England to the Prime Minister of England,—“The citizens of London, my Lord, are a clever, shrewd, far-seeing set of men.”—“*Are they really?* I should not have thought so, *Governor!* What had they to do with *sense* when they elected you!? I shall not renew your charter, Sir! I shall be merciful to ignorance!” “My Lord!!!” (with surprise and suffocation). The Prime Minister of England,—“The less said, the soonest mended, Sir! I might have utterly destroyed Odessa. I shall not forget the Chancellor of the Exchequer.”

find a haven now in the encouragement given to quirk and quibble; and so are leading the multitude to live in daily opposition to the teaching of the Church.*

If your Grace should feel (and we anxiously hope your Grace may) that our undertaking comes within the department of those human affairs which deserve your Grace's sympathy *and support*, then do us the kindness to attach your name to the printed copy of our petition herein enclosed, and return it to us at your Grace's convenience; and we shall feel very grateful to your Grace for assisting us to finish—we hope we may say it with humility and gratitude—"the good work we have commenced."

A gentleman of large experience as to the workings of our present law system has said that "our movement amounts to an appeal from morality to reason, and that truth so enforces our demand, that reason cannot deny that the end would be that men would settle their own disputes without quarelling." Your Grace will be good enough to note that our petition prays for "*inquiry*." I have the honour to be, with the profoundest respect, my Lord,

Your Grace's most obedient humble Servant,

FRANCIS LYNE, CHAIRMAN.

THE REPLY OF HIS GRACE THE ARCHBISHOP.

Lambeth, 15th Dec., 1855.

The Archbishop of Canterbury presents his compliments to Mr. Lyne, and regrets that he cannot consider it to be within his province to sign a petition upon a subject so novel as that to which the petition relates, and on which the Archbishop has not the means of forming an opinion.

TO FRANCIS LYNE, ESQ.

Palace, Chichester,
21st Dec., 1855.

SIR,—It is possible, perhaps I ought to say very probable, that your Association may be right in striving for the establishment of Tribunals of Commerce; but I do not feel myself sufficiently versed in the question to justify me in taking a part in it.

I have the honour to be, Sir,

Your obedient Servant,

A. T. CICESTER.

* Compare this my beggary to the Archbishop of Canterbury with the Sultan's consent now, through the request of the British Government, to give a piece of ground large enough for a Protestant Church, Schools, and parsonage: what a wonderful novelty is this! my request, to our country's shame I say it, is no less!—but shall we succeed in our effort to destroy the power of falsehood in England as well as in Turkey?

9, Belgrave Street,
28th Dec., 1855.

Dr. Thorpe * presents his compliments to Mr. Lyne, and begs to return the petition signed; and he hopes that Mr. Lyne and his coadjutors may succeed in their endeavour to free the trading community from the horrors of *law*, which are near a-kin to those of *war*.

CASES TO SHOW THE NECESSITY OF ARBITRATION IN ITS
RIGOROUS FORM.

A case † of much interest was referred to the highly respectable professional firm of Messrs. Oliverson, Lavie and Co. Mr. Lavie was of opinion that it might be settled in a week. Messrs. Freshfield, solicitors to the Bank of England, were of the same opinion, so were Messrs. Amory, Sewell and Moores, Messrs. Charles Druce and Sons, Messrs. Roy, and indeed all the leading (what may be called) mercantile lawyers in the City of London. Mr. Oliverson, however, considered it to be his duty to differ with these gentlemen. The opinion of Mr. Peacock, of the Temple, was taken, and he agreed with Mr. Lavie. Mr. Oliverson, having a very large experience, could not persuade himself to agree with Mr. Peacock; it was then proposed to leave the matter to the arbitration of Sir Fitzroy Kelly and Mr. Peacock. Mr. Oliverson frankly avowed that he could not allow the opinion of other men to govern him, and what he would do or consent to, he could not decide upon. After three years had passed, and which had occasioned vast distress to the parties concerned, Mr. Oliverson was good enough to feel for the injury that had been done, and kindly consented to leave the matter to the arbitration of Mr. Serjeant Shee. The facts of the case were agreed upon, and Mr. Oliverson had put his initials to the draft of the case that was to be submitted for arbitration, and indeed went further, for he had told Mr. Serjeant Shee that he would settle the case; but when the case was drawn and ready to be given to Mr. Serjeant Shee, Mr. Oliverson refused to sign it, as, on further consideration, he felt that it was his duty to take the matter into Chancery; he consulted with Mr. James Russell, and did take the matter into Chancery. Mr. Roundell Palmer, however, got the Bill turned out of Court with costs. Mr. Oliverson had permission given to him to renew or amend his Bill; he kindly said he would not do so, if the parties opposed would consent to pay all his costs, including those of the Chancery Bill (about £100); in that case, he said, he would consent to what his partner, Mr. Lavie, had proposed. As four years had passed, and losses of time and money to an enormous amount had been sacrificed, and the health of the gentleman whom Mr. Oliverson had opposed had entirely given way, the unfortunate Plaintiff was advised

* Rev. Dr. Thorpe, of Belgrave Chapel.

† If this was an exceptional case I would not give it to the public; but I have experience to teach me that it represents thousands now distressing the people of this country, because "costs too heavy to bear stand opposed to truth!"—F. L.

to submit to the terms suggested by Mr. Oliverson, and so the matter was closed by the Messrs. Roy. The statement of facts here laid before the public having been submitted to Messrs. Oliverson, Lavie and Co., and having received no contradiction from them, it is considered that when a change of our national system for the administration of law is proposed, it is fair and proper in the discharge of a public duty to give this case to the public.

The next case applies to a mercantile house,* which, in its path, like that of Messrs. Oliverson, Lavie and Co., stands at the head of its class.

Messrs. Baring, Brothers and Co. sent a gentleman abroad to act as their agent; after a few years he returned home; some dispute arose about the arrangement of the account; the agent proposed arbitration, Messrs. Baring, Brothers and Co. thought it proper not to agree; many years were spent in vain effort on the part of the agent to get Messrs. Baring and Co. to submit to arbitration, as the agent was too poor to venture to go to law with a house so powerful.† At length a rich friend interfered for the poor agent, and due notice was given to Messrs. Baring and Co., and still they maintained their right to claim the law; this stubbornness excited no good feeling. Lord Ashburton was indicted for conspiring, with others, to deprive the poor agent of his rights; the Bill was submitted to the consideration of the Grand Jury of London, and they returned it as "a true Bill," and by so doing consigned Lord Ashburton to the Old Bailey as a common felon, to take his trial. The wealth of Lord Ashburton saved him from that dreadful affliction (whether a man be rich or poor), and he was enabled to submit the case to a Special Jury of Merchants, instead of an Old Bailey Jury—and this he did. The Jury took forty-five minutes to consider their verdict; the nerves of the poor agent, through long anxiety, had been utterly destroyed, and he died before the verdict was given in favour of Lord Ashburton;‡ the costs amounted from beginning to end in this matter to upwards of £7000, and this the rich friend of the poor agent paid to save the heavily-afflicted widow and miserable orphan children of the poor agent from utter destruction.§ No person has the right to blame Messrs. Baring Brothers and Co. for the exercise of a legal right, but still such a power is now offensive to the improved tone of feeling in this country, and by commercial Europe, where the establishment of Arbitration Courts utterly forbid such ruinous proceedings, our law system is freely pronounced to be barbarous.

* In giving this most painful case to the public, I hope my last self-sacrifice for the cause is accomplished. The sins of the weak (tempted by need to yield) I never have and I never will expose.—F. L.

† The exact picture of Russia and Turkey in England.

‡ He who has gained a victory likes the path he has won in.

§ As Great Britain and France must pay the costs of the late war to save Turkey from utter destruction!

This case has been submitted to Mr. Thomas Baring, with an offer to give up the name of the author if it be not true; and as Mr. Baring does not ask for the author's name, or deny the facts, however painful, it is considered to be a stern demand on the duty of those who are commissioned by the public to plead for National Arbitration to publish the case. The *Times*, on the 30th of April last, said,—“The day may come when the value of Arbitration will be more acknowledged, and its form more defined; and the sooner it comes the better for the happiness of Europe and the true interests of every state, however powerful and ambitious.” No reflecting man will deny that a great principle of common humanity, if dear for nations, must be doubly so for individuals; and if a European Congress, with Russia drawn in by force of circumstances, can be made to recognise, feel, and express the weight of the truth that the most powerful are morally and religiously bound, as a duty they owe to the weak, to submit to Arbitration, it is fervently hoped that the merchant princes of England will no longer consider it right to retain and use a power which defies truth and equity, and leaves no other comfort for the poor man than the fearful words—“avenge not yourselves—vengeance is mine—I will repay saith the Lord.” Will wealth and power ever so blind this country as to make this warning nothing more than a dead letter? *

A CASE SHOWING WHAT CAN BE DONE.

J. S. Moore, Esq.,† of Stile House, Lyme Regis, a gentleman totally unconnected with trade, hearing of the Tribunal of Commerce Association, addressed himself to the Chairman of the Committee, saying that he knew of a case, in which he was in no way concerned, but one of great hardship, and which had been in abeyance for three years; this correspondence resulted in submitting the case, in the month of April, 1856, to the Arbitration of the Chairman of the Tribunal of Commerce Association (Mr. Francis Lyne), and Mr. John Ingram Travers; the case was settled within a week, and the balance due paid over within a fortnight. Mr. Moore being a perfect stranger to Mr. Lyne, and who he has never yet seen, and neither has the person for whom Mr. Moore interfered—a lady by birth and station in society; and it may be as well to state this to inspire more thoughtfulness—as many may not reflect on the fact that the widow and orphan are deeply interested in the success of the Tribunal of Commerce Association. Many ladies have written very beautiful and affecting letters on the subject, expressing the hope that God is with the promoters of the cause. The lady whose case was submitted to Arbitration expresses her gratitude so simply and warmly to the stranger who listened to

* “O Lord, I have heard thy speech and was afraid.”

“Thou didst march through the land in indignation, thou didst thresh the heathen in anger.”—Habakkuk, 3rd chap.

† I hope I shall be excused for publishing Mr. Moore's name; the necessity for so doing is, that nothing but the naked truth will serve this cause.

her silent sorrow, that it is felt that no apology need be offered for here giving her letter.—“My dear Sir,—16th May, 1856,—It will make me very happy if you will allow the slippers * I have had so much pleasure in braiding for you to remind you of the deep gratitude I feel for all your *wonderful* kindness to me, &c.” It is a national disgrace that such a service should be called “*wonderful kindness*.” I should like to ask his Grace the Archbishop of Canterbury if it is not so?

FRANCIS LYNE.

A CASE SHOWING WHAT CANNOT BE DONE.

The chief partner of the very respectable professional firm of Green and Smith, of Ashby-de-la-Zouch, was appointed executor to his aunt's will. After some years of disputing had passed between Mr. Edward Mortimer Green and his relative, I was persuaded, on behalf of four of his cousins, to offer myself at their urgent request to act as an Arbitrator. Mr. Green referred me to a Mr. R. H. Nettleship, a solicitor, of No. 15, Clifford's Inn, to whom I went; Mr. Nettleship said that there had been some overpayments on the part of Mr. Green, and that that money must be returned before Mr. Green would do anything. I told Mr. Nettleship that if he would have an account made out for me, I would call in a few days with a blank cheque, and pay anything that might be due to prevent family quarrelling; I was so commissioned to act by those whom I represented. Mr. Nettleship replied, “I am sure, Mr. Lyne, that will be a great act of charity.” On the 10th of October, 1855, I wrote to Mr. Nettleship, saying, that I would call upon him on the following Saturday, and settle all disagreeables; on the same day he replied, “I don't expect to be able to settle accounts with you on Saturday,” &c.; consequently, I had to wait. In the meantime a promissory note for £1000, payable on demand, by Mr. Edward Green's eldest brother, to my surprise, had come into my hands as an asset of the estate of the deceased aunt; so that when Mr. Nettleship did produce to me the account, I pointed out to him a mistake in it, and proved that there had been no overpayments on the part of Mr. Green. Mr. Nettleship promised to look into the matter. I told him that I hoped no more time would be lost, as the persons for whom I was acting were much provoked by delay. Mr. Nettleship took the liberty of replying, that if they gave any trouble, he would advise Mr. Green to treat them all as a pack of blackguards, and that then they would none of them get one farthing. Mr. Green and his relatives are much too respectable to justify such gross language as this, the gentlemen for whom I was acting hold high rank in the army and navy, and the Duke of Rutland has given livings to two of Mr. Green's brothers; and Lord Howe, I may venture to say, has a great respect for Mr. E. Green; the gratuitous grossness of Mr. Nettleship is only worth notice as an evidence how valuable

* Although I glory in my power to trample on the empty vanity of man, I have not the courage to tread upon the gratitude of woman! I've made a waistcoat of the slippers—that like the Philosopher, *who wished to be at ease*, took the liberty to *boil* the peas!—F. L.

compulsory Arbitration would be as a remedy against such language, so well calculated to hurry men into law. I then addressed myself to Mr. Edward M. Green, and on the 30th of October, 1855, wrote thus—“My dear Sir,—I know not well how to apologise to you for writing again so soon on the subject of my two letters of the 20th and 26th instant, excepting that I am very anxious to have some reply, as there is distress going on (this alluded to a widow lady who had suffered by the failure of Messrs. Strahan, Paul, and Co.), which I believe it is in your power to stay, and I wish to know if you will accept my mediation as proposed,” &c., &c. Again Mr. Green referred to Mr. Nettleship. Mr. Nettleship said he hoped Mr. Green would settle the matter in a fortnight; “fortnight” after “fortnight” was the excuse repeated to me, till at last, “*months*” having passed, I was tired out, and I was forced to give the matter up. Mr. Nettleship has had 50 letters from a solicitor, who is acting for one of the gentlemen whom I represented; and now comes the question, is Mr. Green to blame?—if gentlemen will take a bottle half full of oil and half of water, and shake it, they will see poor Mr. Green’s position, a good deal disfigured, only because he is a lawyer, and he is blamed because he cannot do that which no one can do, viz. either mix oil and water, or law and equity; of Jew and Christian you can’t make ONE, the Jew being law and the Christian equity, hence the saying, “a lawyer is the spawn of hell.” Mr. Green’s aunt left an estate to be divided among her nephews and nieces, which she had enjoyed for 60 years, but Mr. Green has discovered that there is a flaw in the title. As I am of the old Tory School, can I blame Mr. Green for sticking to the law? I have told his relatives that they had better let him keep the estate. Law they dare not venture on; and if they go into Chancery, what discretionary power has the Lord Chancellor!—though I know enough of the affair to say, that with religion and morality for law, and with the aid of Messrs. Quilter, Ball and Co., the respectable city Accountants, I would make an equitable distribution of the affairs in a week; but that would be equity, not law: if people will make lawyers their executors, *their relations must perish by the law*; if we had compulsory Arbitration Courts, Mr. Green would soon be relieved, and his relations too, from irritations through delays, and probably uncharitable feelings and lasting animosity, because the law makes Mr. Green appear rich by the possession of their property. Mr. Green does not make the law, *he only seeks to obey it*: were I in his place, however, I would either give up acting as the lawyer or the executor, in order that before my family I should stand like Cæsar’s wife!

FRANCIS LYNE.

RECONCILEMENT COURT IN DENMARK.

It was moved by Lord Brougham in the House of Lords:—That it appears that GREAT ADVANTAGES have resulted from proceedings of reconciliation and arbitration, from the *experience* of the proceedings in the Kingdom of Denmark, in which the following were the results for the twenty years ending 1846:—

A survey of the Cases treated by the Commissioners of the Courts of Reconciliation in Denmark, in the years 1827 to 1846, inclusive.

	Undertaken.	Adjusted or stopped.	Postponed.	Referred to the Law Courts.	Cases tried.
1827	24,041	17,084	446	7411	2235
1828	21,766	15,427	420	5919	1874
1829	21,322	14,651	341	6330	1762
1830	25,459	18,180	347	6932	2056
1831	28,786	19,944	362	8480	2538
1832	27,795	19,758	296	7741	2464
1833	23,925	16,783	305	6837	2368
1834	22,233	15,445	261	6527	2142
1835	26,929	18,398	271	8263	2599
1836	28,911	20,254	285	8372	2730
1837	30,208	20,992	279	8937	2818
1838	28,933	19,978	282	8673	2587
1839	23,224	16,297	296	6631	2410
1840	21,872	14,924	449	6499	2161
1841	23,279	15,584	414	7288	2273
1842	30,403	21,028	422	8953	2678
1843	31,338	21,512	299	9527	2887
1844	22,994	15,234	276	7484	2459
1845	24,631	16,551	291	7789	2352
1846	24,625	16,068	324	8233	2761

THE PEACE TROPHY.*

THE following are some of the excuses made by wealthy men for not supporting the movement for inquiry into the subject of Tribunals of Commerce:—

1st. "I will support the Association if men of my class will do so." These gentlemen in the City of London, who "knock at the next house" for their own consciences, are very numerous among a certain little City party, with whom Sir John Dean Paul and the late Mr. Sadleir were on the most intimate terms.

2nd. "It does not concern us; it is more for the small capitalist."

3rd. "I have retired from trade, and I do not care about it."

4th. "I admit our law system is infamous; but, as I have made my fortune out of it, I cannot yet appear in your ranks."

5th. "I cannot conscientiously agree with Mr. Lyne's views." ("Mr. Lyne's views" being reduced to the word "inquiry.")

6th. "I am not connected with trade; so it is no concern of mine." Colonel Sykes, Chairman of the East India Company, Colonel Kennedy, Captain Leycester, R.N., Henry Hanmer Leycester, Esq., Montagu Gore, Esq., and others unconnected with trade, who forget not what is due to humanity, are supporting us.

The Bankers of London, as a body, in this matter, like that of the Clearing-House question and the change of the hours for business at

* "She gives her tongue no moment's rest,
In phrases battered, stale, and trite,
Which modern ladies call polite."

the Bank of England, can scarcely be called steady thinking men, though very influential. When Sir Peter Pole suspended his payments (possibly because his head clerk had died), seventy provincial banks were forced to follow his influential example—but which should rule us, example or reason? Are the London Bankers (without their managers) to be trusted? If this movement is to be taken from my management and to be reposed in what Legislators call the heads (query brains?) of the City, I should like to ask Mr. Scrimgeur if a private banker, *nolens volens*, passes his manager over to a Joint Stock Bank, where do the public go? The private Bankers, it is said, are to destroy this movement: then I must be allowed to ask, as opposers of a moral movement, what are they worth?

1st. They refused to assist the Tribunal of Commerce Association, because “they are only the servants of the public, and ought not to interfere in such matters.”

2nd. When they saw, by the cheques drawn upon them, as donations to our Fund, what the public feeling was, we went to them with this candle in our hands, and asked them to support the wishes of their “masters;” then they said that “they were not influenced by what their ‘customers’ might choose to do.”*

3rd. When the large country bankers came to our support, and after we had published the list of the names, then Messrs. Glyn, Mills & Co., admitting the importance of the movement, said they would support the movement if Mr. Masterman, the Chairman of the Bankers’ Committee, would lead the way. Mr. Masterman said the most he could do was to promise not to oppose us. This is the picture of the London Bankers—worthy of the National Gallery; but it is not my property. Public money bought it, and I must be excused, therefore, for giving it to those to whom it belongs. When I said to an excitable—I will call him in charity—“madman,” that there was a command which said, “Love your neighbour as yourself,” he blasphemously replied, “D—the commandments!” Another very wealthy man, pressed by the same argument, said, “I must be an angel or a fool,”—fearful independence!! And with this morality must deal, for what more blinding than wealth! A very rich man who gave a thousand pounds to a public charity, when applied to by a poor relation with a large family to pay the doctor’s bill for attending his children through scarlet fever, sent the bill back through his very respectable solicitor, Mr. Meaburn Tatham, saying, “he could not hold himself responsible for other men’s debts”† This is the kind of cruelty that attorneys *for others* have to perform, and FOR IT society has no good word for an attorney. In proof, however, that God’s commandment is not by all overlooked, I have the great happiness to say, peers of the realm, clergymen, lawyers, law-stationers, naval and military men, and others, who, from their being unconnected with trade, appear to be out of place, are supporting us, to do honour to God; but not a single London banker—“no, not one!”

* As soon as I discovered that this was to be the City mode of warfare on the part of “*eminence in the City of London*,” I sent my son to Bristol, and under the kind care of the Chamber of Commerce there I obtained the signatures of every Banker, *without an exception*, of that City.

† “BUT—Abraham said, Son, *remember*,” (is memory a blessing or a curse?) “REMEMBER that thou in thy lifetime receivedst thy good things, and likewise Lazarus evil things; but now he is comforted,” &c. (Luke xvi.)

although Lord Overstone has written so warmly on the subject. I say nothing about the Englishman's hatred of conspiracy, but the Bankers' Committee and the Bank Parlour—the great worshippers of the golden image—are in league against us, as if we could regulate the exchanges of the world, and steal all their gold away! But these gentlemen had better recollect, before too late, that if with the *educated poor* they do not reason on Christian principles, their glory will pass away from them, not because of the doings of Sir John Dean Paul or the late Mr. Sadleir, but because they have overlooked the fact that truth is no respecter of persons, and that the educated poor will now in all matters claim the truth. If this Tribunal of Commerce movement is one of many signs in this our day that the sword has left its scabbard to procure justice and power for truth, making “real justice the regulating principle of society,” the time and the season being at hand (may God grant it!), the educated poor will insist on knowing why selfishness DARES TO NEGLECT (as Mr. Masterman proposes) that which conscience appears to tell Mr. Masterman *it would be wicked in him to oppose*. For yet a while men may still venture in Turkey to treat truth with contempt: but the poor in England are not Turks; they are now educated; and if truth be much longer *harnessed* in England to impede Justice in her path, the British Crown may have a shake; for we must not forget the language that imposes patience on the weak—“Avenge not yourselves—Vengeance is mine; I will repay, saith the Lord.”

But am I struggling with obstinacy, intelligence, or stupidity? A very respectable (I have no doubt), but dirty, shabby-looking man, came to me lately, and asked me to sign a petition in favour of “The London Corporation Bill.” I told him if he would bring the opposite one I would sign it, “for,” I added, “it is all very well to sneer at a London shop-keeper, but for public good he has more practical knowledge than a City banker, and if the City do not take care they will give up utility for ornament; you had better tell every one that a London shop-keeper has ten times the sense of a City banker.” “Oh!” said the man, determined, I suppose, in spite of disfigured garments, to pass off for “a man of letters,” “*I know that of my own knowledge*.” Of the knowledge of man beware! One can't help the recollection of the old saying, “the schoolmaster abroad;” and *apropos* to this idea, may I not here introduce a word, since knowledge has lately travelled through Russia, for “*the Gurneys*,” the great leaders of the “Peace Society,” who now must know the folly of giving up Red Coats and Blue Jackets, with England so backward in the race of civilisation, that Reconciliation and Arbitration Courts are quite a novelty for her.*

* The late Mr. Thomas Henry Plaskett, of the Home Office, was once asked to act the part of a Reconciler, and he replied, “No! though I have been intimate with the gentleman for sixty years I dare not take the liberty with him!” Now, both are in their graves—how now looks the reply? The late Mr. John Dawson (the uncle of Mr. Walter, the honorable Member for Nottingham), not long before his death, came to me to ask if I would act as Reconciler between himself and Mr. Albert Cohen, with whom I have had the pleasure of being acquainted many years. I undertook the office, and no difficulty attended my success—it was my happiness to reconcile the Christian and the Jew. Mr. Cohen still lives to bear his testimony to this pleasing fact.—F. L.

Surely, if we want generations, yet unborn, to give up armies and navies, now is our time for seed sowing, when population is rushing forward into the future with a violence before unheard of. Let us, then, by Reconciliation and Arbitration Courts being *at once* made a national principle, so train up our children in the way they should go, that when they are old they should not depart from it, and coming generations, being left, when over the page of history, to learn the change we have made, then bless us for it. How much more of sound wisdom will not the world see in the great and good Quakers, if they try to establish in this country the doctrine of Arbitration, and destroy thereby our most infamous and wicked law system, "invented for the creation of costs, and not for the due administration of justice," which, from its gross wickedness, is heating the passions—the great suggesters of evil—and leading a vast multitude of men into such desperate lawsuits, that the vitals of many a man's industry at this very minute are thereby being destroyed; when this great national evil, so repugnant to Christianity, so distressing for man, and provoking to the Almighty, is removed from this fearfully-responsible country, then let the Peace Society, if they choose, take in hand again the office of trying to be reconcilers of irritated nations, and the mediators between angry kings and queens; but if they cannot do this for us at home, why not now at once, for the love of truth, go to Spain, if foreign service* is indeed the only legitimate duty of the English Peace Society, and get out of the prison at Madrid the ten editors of newspapers, who, for telling the truth, have now the ink dry in their pens, and their legs without an occupation? The large family of trade and industry in this commercial country will thank the Quakers for anything they will do to set truth free, or to rub out the saying of Mr. Samuel Gurney to the Tribunal of Commerce Association, "*I do not see any occasion for the change you propose.*" To encourage the Quakers to do this, I will quote from the *Times* of the 16th of May, 1856, the following words: "To a mind of common generosity there is no act more grateful than the ready acknowledgment of meritorious services." If I appear to the soft-mannered Quaker unkind, in giving up the extraordinary saying of Mr. Samuel Gurney, I must be allowed to tell him it is a very serious thing to take public money for a specific object, for he who receives it virtually to that public swears, "for the good of the cause committed to my care I'll tell the truth and nothing but the truth, without any reservation, IF THE CAUSE REQUIRES IT."

It is quite painful to record and contrast (indeed it is degrading to the upper class) the empty and the immoral excuses of a small and wealthy city circle of men with the bold, manly, and Christian conduct of the multitude throughout the country. See what debasing, selfish, and unprincipled excuses No. 1 and No. 2 are—the latter especially—as if the powerful ought not to sympathise with the weak, and see that truth be made the right of all! Wealthy men, too many, are satisfied with their morbid charities! It might make some gentle-

* The Drab Cloth principle used to be—"Keep to thine own ship, friend;" as Quaker said when he ran a Frenchman through the body with a pitchfork.

men uneasy were they to call to mind that they are challenging the great Judge of all, who has said, "The poor shall not always be forgotten;" and that the mission of Christianity (which is power for truth) is to give strength to weakness. Christian charity is to know no bounds; and Christian charity in the supporters of this movement did not overlook a worthy citizen Jew, and Christian *power* made him Lord Mayor—a great victory for weakness. If the casting vote had been with the great city bankers or discounters (discounters of this movement they wish to be), would the Jew have been Lord Mayor? Can pride and selfishness, false reasoning, and God's word forsaken, ever do good for Christian or for Jew?

"God, the All Merciful! Earth hath forsaken
Thy ways of blessedness, slighted thy word;
Bid not thy wrath in its terrors awaken:
Give to us peace in our time, O Lord."

In England, by the establishment of Reconcilement and Arbitration Courts to inspire in us the acts our great Redeemer wrought.

"O but," it is said, "the Governor of the Bank of England and the Directors are against this movement."* I admit it; but what of that—are they anything more than men? clay formed into man, with error for his law, and now suddenly by myself and other common people called upon to face enlightened reason? Two of my father's friends were Governors of the Bank of England, and before they became my acquaintance they were bankrupts; branches of my family knew the Barings before they merged from Ashburton to boast of their title now of being the greatest money-makers in England; but what has that to do with morality? This is a movement built upon the present moral and religious feelings of the country, and I fully admit the doctrine of the Administrative Reform Association, that to give power to a man only because he can claim it through money, is to impose a curse upon mankind, a very dangerous thing to try in England; and what I would ask for this cause for the benefit of the nation is that which is done when the personal interest and safety of our great men (so called) is at stake, viz. *that their head clerks be consulted*—more than one of *these intelligent gentlemen* have said to me, "I am sorry, Mr. Lyue, you should not have the support of such a House as ours, as there can be no doubt about the good that would come from Arbitration Courts." Everything that could be done has been done to avoid dealing with the antecedents or the personal ability (inability) of men who desire to make a tyrant's use of power; the late Lord Wharnccliffe, jointly with Mr. Richard Thornton and Mr. Arthur Anderson, signed a note of invitation to Mr. Thomas Baring and other Bank Directors, to meet them at the London Tavern, in order that all cause of complaint might be avoided; but not one Director would come, though Mr. J. B. Heath wrote to me that he would, if others of his fellows would come; to the injury of the public they are afraid of each other, powerful, powerless, and ignorant; but if these gentlemen will so provoke hos-

* The "Times," 27th May, 1856. "Mr. Buchanan will find it difficult to persuade people that he had absolutely no idea all this time that no offer of arbitration was being made. But arbitration is too summary and straight-forward a mode of settling a dispute to please all diplomatists"—or purse-proud half-bred, ill-educated, puffed-up men.—F. L.

tility, and will so distress and offend the feelings of those who would wish to support the dignity of the position their wealth has placed them in, the education of the country will know how to draw the distinction between the men and the honour of high station, which the interest of the poor requires should be respected, and which it cannot be if men in high position are so ignorant and stubborn that they will not follow the example of Lord Palmerston, and bow to the multitude when the moral and the religious feelings of the people are the points in question.*

There is nothing more important than truth—nothing more absolutely the poor man's right, for our Saviour's reply to the question, "Quid est veritas?" tells us all, that to truth alone we must look for salvation; to refuse then to a man, too poor to pay law costs, the power, as the heads of the City of London desire, through the truth to obtain his rights, is nothing more or less than for the benefit of the rich and powerful of this world to break God's eighth commandment, "Thou shalt not steal," as too many, through the terrors of the law, now are doing, long have done, and will continue to do, till we have Reconciliation and Arbitration Courts, and which, by the power of God's greatest gift to man, "reason," we shall sooner or later have.

When I was at Liverpool, for the purpose of aiding this movement, about three years ago, the merchants there urged me to try by all means to "*bring forward the heads of the City of London*" to its support, and many leading men at the West End of London (in my opinion over-estimating their value for this matter, as I took the liberty of telling them), gave to me the same advice. Nothing has been left undone to act in obedience to this injunction, and at the cost of vast labour and money, all our publications have been regularly and gratuitously furnished to them. One important pamphlet, in 1854, was dedicated to the bankers of London, giving very valuable information, which was furnished to our Association most kindly by the President of the Paris Tribunal of Commerce; also, most useful and important information from Denmark, furnished to the House of Lords by Lord Brougham; for this pamphlet we received the thanks of many of Her Majesty's Ministers, from the London University, the Society of Arts, many of the Chambers of Commerce, and many other public bodies; but by the proud men of the City of London, to whom it was particularly addressed, no notice whatever was taken of it, no change was made in them, though not forgetting what was due to their station I very properly, at page 25, addressed the following words to them,—“I do most anxiously hope you may think it proper to support the movement for which I plead, since with so much manifestation of mercantile feeling in its favour it appeals to you to do so.” They have now opposed long enough! Patience has its bounds! they are, as a body, ignorant men, and what more stubborn than ignorance?

About two years ago, my friend Mr. Willcox, the honourable Member for Southampton, thus addressed me: "That Great Britain will have her Tribunal of Commerce, I am perfectly satisfied, though it may not be in your day or mine, and I have always felt that you are not

* Lord Palmerston to the Working Classes: "Under these circumstances the proper course for me to pursue was to restore matters to the state they were in before the bands were allowed to play on Sundays in the Parks."

strong enough to lead it." I would like to know what has been left undone for the cause, that honour, labour, and perseverance could either demand or do to save truth and the character of a public servant, constituted its leader, but who is safe with such a union against him as that I have experienced, and if traps, snares, and nets in the dark are placed on his path? I was told to "*bring the great city men forward*," and not till now did I find out the way, *the proper way*, how to do so; and that is to place them, the great city men, having power over gold, and by that power seeking dominion over reason, justice, and truth, in the pit of disgrace which they had prepared for me, and there now I leave them, stamped in a plain and legible manner for the good of the public, whose servant I have professed to be, and will be as long as I can if only out of love for the memory of the late Lord Wharncliffe, who gave his hand to this movement for the good of the poor, the honest, and the industrious. With the private amiabilities of the great city men, or their transcendent qualifications for a drawing-room (as one of the common people), I do not presume to meddle, and thus I take my leave of this SMALL portion of the great human family.

FRANCIS LYNE.

TO FRANCIS LYNE, ESQ.

Hackney, 28th Dec., 1855.

"DEAR SIR,—Would to God that your attempt may be successful! There is scarcely a source of iniquity more fruitful than our administration of law; in fact, it has been quite an acknowledged feeling that the success of a suit but little depends on the justice of the case; and we have put up with the administration from the apparent hopelessness of remedy, and from the sense that any settlement is better than entire anarchy. Often did I secretly wonder whether real justice ever would be a regulating principle of society; but I never indulged in the hope. I acquiesced in mind, from utter hopelessness; I never even thought that a notion on the subject was entertained. This acknowledged sense that real justice had little to do with the success of a cause has been productive of much collateral evil; it has contaminated the very atmosphere of the law, and we are never surprised to find intrigue, and chicane, and falsehood pervade the ranks of men engaged in the law; in fact, we almost look for them to do so. The unexpected daring of your attempt, in the face of interest, authority, talent, power, gives me even hope, and hope of a more wide expectation, that God is indeed preparing the way now for the fulfilment of promises of a glorious dispensation."

This is from a clergyman, but I will not give his name,* as he casts well-merited shame on those lawyers who, because their clients expect it, will, for pay, lend themselves to intrigue, chicane, and falsehood (and betray innocent blood). My own conscience tells me how large such wickedness is; my own experience has made me know what deep

* I have a host of letters from educated learned men, offering to me by their reasoning every encouragement to persevere; indeed, some praying me not to relax in my efforts.—F. L.

distress it brings upon mankind; and I hope to place the stamp of dignity on the soul within me by doing my very utmost to turn off from men the terrors of the law, so "near a-kin to those of war," as Dr. Thorpe so justly observes.

But why, I ask myself, are good men so backward in coming to our public meetings? a coldness so discouraging for me! The position of the late Lord Wharncliffe towards myself was much the same as that of the late Sir Robert Peel in 1824 towards the Duke of Wellington, and is well portrayed in the following extract from the "Memoirs of the Right Hon. Sir Robert Peel":—"The Bishops were (as regarded Catholic emancipation) naturally indisposed (like the rich and powerful Bankers of London appear naturally indisposed to give up law for equity), and the Duke's difficulties (like my own for Tribunals of Commerce) appeared insuperable." Sir Robert, speaking of his own faithfulness to the Duke of Wellington under such trying circumstances, uses language that I can most truthfully and faithfully adopt when I speak of the late Lord Wharncliffe's noble and generous regard for my poor feelings at a time when vulgar-minded men desert a weak man in difficulties. "He well knew," said Sir Robert Peel, "that there would be nothing in the resignation of office half so painful to my feelings as the separation from him at a period of serious difficulty." May God, in his mercy, ever preserve me from the mockery of prayer! but never, never, never can I sufficiently, on my bended knee, thank Him for His great mercy to me, in that, when I desired to serve my fellow creatures I consented to allow all eyes (the public) to be turned upon my acts, that a way was ordained, by the Great Ruler of events, to give to me "unreserved communication," with such a man as the late Lord Wharncliffe, a man so far above the vulgarity and the common meanness of deserting a weak man (with a sound heart) when in difficulty. But such are the multitudes in all classes, although true enough, as H. R. H. Prince Albert told the citizens in 1851, "*man is approaching a more complete fulfilment of that great and sacred mission which he has to perform in this world.*" Yes! but the baseness of man in this day is never made more manifest than by the evidence we abundantly have by the public conduct of our city rich men, that the poor, in their opinion, deserve to be forsaken, however useful, as practical men, they may be.

On a false plea in 1852, one hundred and fifty gentlemen ("a term of complaisance") had banded themselves together, and had signed a paper which was carried round the City of London for my destruction. For a long time I tried in vain to induce the leader of the party seeking to destroy me to submit our dispute to arbitration, but I could not prevail on him to do so. At last "*I set a trap and caught him!*" I sent to him a list containing the names of 24 gentlemen, saying, that to any four I was ready to refer our dispute, and that he might have the choice of the first two. I had found out who his sugar-broker was, and another gentleman over whom he believed he had much influence, so I put the names of these two into the list, and he immediately fixed upon them. And after he had done this he gave to the latter gentleman an order to copper one of his ships. Mr. Montagu Gore and Mr. Henry Hanmer Leicester acted for me. I gained the day; and as

the injury was duly ascertained to have been caused by sea-water; and the captain made the requisite declaration that it was owing "solely to the labouring of the ship and the gales encountered during the voyage." The loss amounted to 1568*l.*, or about 19 per cent. The underwriters for some time took no notice of the claim, but after a lapse of three months announced that they would contest it. An action was accordingly brought against them in the Court of Queen's Bench. The ground of resistance was, that, instead of the sugar having been damaged by the voyage, it was in a bad state at the time it was shipped. The bill of lading disproved this, since it certified that the sugar had been "shipped in good order and well-conditioned;" but Lord Campbell ruled that "this was no evidence at all against the underwriters," and hence, as Mr. Engelhardt had not summoned from Bahia the shippers (who have since failed and left the place) or witnesses from the plantations where the sugar was grown, the jury declared the claim to be invalid, and the underwriters free from all liability. The case was especially hard, because on no interpretation of it should the loss have fallen upon the buyers of the sugar. Either the damage occurred during the voyage, and the underwriters were liable, or the sugar purchased of Messrs. Goodall, Chilton, and Co., on the faith of a clean bill of lading, was not what it was represented to be. Under these circumstances, Mr. Engelhardt has drawn up a narrative of the proceedings, pointing out to his brother merchants the serious results involved in the decision. *The chief of these is, that it must for the future weaken all reliance on the value of a clean bill of lading*; but there are also two other points of only slightly less importance—namely, the illustration it affords of the technical obstacles which may be interposed to the recovery of claims by buyers under policies of insurance on floating cargoes, and the way in which underwriters at Lloyd's will disregard or set aside the acts of their own public agents. "In this case," observes Mr. Engelhardt, "Lloyd's own agent at Amsterdam was a principal witness, and came over to England to testify to the perfect regularity of the survey, the sale, and all other proceedings in reference to the cargo, and to his firm belief in the justice of the claim." In conclusion, it is to be remarked that Mr. Engelhardt and his correspondents have been urged to appeal against the verdict, or to try a new action. *With their experience of legal technicalities and delays, however, they shrink from a further expenditure of labour, time, and money.* "If the underwriters, or any of them," they say, "are disposed to submit the case to practical commercial men, whose decision would be prompt, just, and inexpensive, we are ready to join issue with them again, but not otherwise."

The Report of the last Meeting, from the *Morning Post*, Saturday, 10th May, 1856:—

TRIBUNAL OF COMMERCE ASSOCIATION.—A Select Meeting of this Association was held yesterday, at the London Tavern. Mr. Lyne, the Chairman, read the Report, from which we gathered that it is an Association for the improvement of the law, by establishing Tribunals of Cor-

merce and Courts of Reconciliation for adjudicating on commercial matters in dispute, and that important benefits might result from these Arbitration and Reconcilement Courts, from their being composed of mercantile men—gentlemen of special qualifications, knowing the usages of commerce, the implied meaning in contracts, the technicalities connected with trade, manufacturing processes, building, mining, navigation, marine insurance, and so forth, and who were more likely to arrive at a just determination of commercial questions than others could possibly be. The most intelligent and acute of the commercial community might decide all their differences by arbitration, without having recourse to courts of law, like all the great commercial countries of Europe, like France, Malta, Belgium, Denmark, the island of St. Thomas, and other places where Tribunals of Commerce have long been established, and where the principles on which they act are found to be an advantage to the merchant, and a necessity for the due administration of justice. By this reform, when disputes took place, justice would be administered without the heavy costs of law courts; simple contract debts, and all matters of account, especially those of partnerships, executorships, and trusteeships, could be decided in a week, and disputes about patents of inventions, involving, for the comprehension of each case, a knowledge of the principles of mechanics, hydraulics, or chemistry, would be satisfactorily settled. It was believed that from the numerous parties of high standing that there were in the various money pursuits, there would be no difficulty in finding individuals capable of inspiring confidence as arbitrators on all special and technical questions. The Report advised that a general Act should be passed to give special powers to arbitrators, which would render a deed of submission unnecessary; that lists of these authorised arbitrators should be published, and that powers might also be given to judges in chambers, or county court judges, to decide in the earliest stage of a dispute, that it was a proper case for arbitration. As to the appointment of judges in Courts of Reconciliation, it was believed that the office might with advantage be established on a purely honorary footing, like the unpaid magistracy of the country. The Report further stated that, though the Committee had at first met with great difficulties, they had at length entirely overcome them, and that abundant success now crowned their labours. The petition they had presented to the House of Commons was signed by the Lord Mayor of London, the mayors of fifty towns, bankers of the highest importance in the country, lawyers who had been in practice for half a century, clergymen representing all creeds, and the merchants, traders, and brokers of the City of London. The Report was unanimously adopted, moved by Mr. Thomas Aston, and seconded by Mr. George Reay. In reply to a question from Mr. Pritchard, High Bailiff of Southwark, the Chairman said that the objects sought by the Association were eminently practical—advice in its formation having been sought from some of the most eminent lawyers and statesmen; in fact, Lord Brougham had given the principles embodied in the Report. He also stated that the movement was extremely popular in the City of London.

soon as my success was known at Liverpool, a journal of that town, called the *Liverpool Journal* (7th Aug. 1852), kindly concluded its observations with the following words:—"We are glad that the movement is again under Mr. Lyne's guidance." I captured all the papers of my foes, and amongst them I found one that told me that they had committed the most abominable act on the 24th Dec. 1851, of writing a letter to Mr. Thomas Baring, very kindly, as the minute book declares, "condemning Mr. Francis Lyne." I did condescend to ask one of the noble 150 how it came to pass that he had signed the paper against me? (Wisdom is justified of her children!) He replied, "To get you out of the movement, for you will certainly sacrifice your health!" "Health!" I replied, "but what is to become of my *character*?" I have a large family of children who are *bound* by God's command to *honour* me! Is it not my deepest concern to make this duty of theirs easy for them?" The good-natured man had nothing but good-natured arguments, and his charity shall cover his sin! But where does sin end and charity begin in "the proud and wealthy city?" When one of the most leading, powerful, and influential bankers in the City of London had done me a grievous wrong, and had thereby multiplied ten-fold all my difficulties, I went to him and asked him, "how he could have acted so cruelly and unjustly towards a man so weak in the City of London as myself?" He replied, "I did it contrary to my judgment, and to please Mr. —." I ought perhaps to say, it was not Sir John Dean Paul, or the late Mr. Sadleir that said this; but I emphatically repeat, a *very leading* and what is called "large City Banker," no friend to Tribunals of Commerce. We do not require such careless men, though he be a gentleman whom Lord Stanley would call "an eminent man," *needful* for our cause! I will only ask if men—I do not care if they are "heads or tails"—act contrary to their judgments, to the injury of their neighbours, is that the time for charity to begin? With this inquiry at least, "my health" is out of the question. All I can say is, if with them a great *moral* question must "*originate*" (I think "*originate*" was Lord Stanley's word), I cannot tell how to calculate the time that my patience will be required to be exercised whilst I am desiring in the little span of life that may yet be left for me "to create some little sunny spot in memory—as a treasure—for a sick-bed rumination worth all the restoratives in the *Pharmacopœia*,"* by the conviction that when I was in health I did not spend *all* my time in THINKING what a blessing Reconciliation and Arbitration Courts would be for Great Britain! If "*eminence*" is the word that is to be thrown across my path to impede my efforts to realise a great public good, I really must be allowed to raise the question, for *what* "*eminent*?" and if those whom Lord Stanley, as I presume, calls "*eminent*" can face the question, then my poor child—"Tribunals of Commerce"—must, I suppose, perish!—because the fashion will then be proved to be, in spite of Newgate and Hampstead Heath terrors, that "*eminent City men*" may, for the purpose of serving a private feeling, act contrary

* The idea is borrowed from the letter of a lady addressed to the Chairman of the Tribunal of Commerce Association.—F. L.

to their judgment, and injure whom they please with the "strychnia"* of their tongues or pens. Well, this is to paint my future blackly! I shall do well, therefore, to preserve my motto healthy ("*nil desperandum*"), to keep in mind that in 1790 the majority *against* Catholic emancipation was 189 voters—more than double the number when put together of all the London Bankers. What became of that "bully," that Hector, who once was dreaming there was no Achilles, simply because George the Third had said, "I have courage to give up my crown, and live in a cottage; but I have not courage sufficient to grant Catholic emancipation?" Words do not pluck up seeds; the seed of Catholic emancipation was sown, and a KING could not root it up! I would remind the proud lover of the law who spends all his thoughts in the City, over his counters and his gold,—“intent upon his 3 per Cents., and indisposed to interrupt the flow of his prosperity,” by consenting that his weaker neighbours live under the mild sway of “equity!”—that he is facing the future. Well, George the Third died; and what then? George the Fourth then said, “The sentiments of my revered and excellent father are my own; and I NEVER CAN, and I NEVER WILL, DEVIATE FROM THEM”—idle words, o’er the little seed that had been sown! The King reflected!—*you foolish Bankers!*—and what then? On he came—one of England’s proudest monarchs—with Wellington and Peel on either side to tell the living, and ages yet unborn, “wise men change their minds—FOOLS NEVER DO!” Catholic emancipation found that reason bowed to it. Chatterers, not responsible for consequences, no doubt say it was “cowardice,” not “reason”—the question must be left to the future for decision! Here will end my (in mercy!) HALF-told City history!

“Why shrinks the soul
Back on herself and startles at destruction?
’Tis the Divinity that stirs within us;
’Tis Heaven itself that points out an hereafter,
And intimates eternity to man.—
Eternity! Thou pleasing, dreadful thought!
Through what new scenes and changes must we pass!
The wide, the unbounded prospect lies before me!
But shadows, clouds, and darkness rest upon it.
Here will I hold.”

FRANCIS LYNE.

FROM THE CITY ARTICLE OF THE “TIMES,”

January 22, 1856.

A recent trial in the Court of Queen’s Bench of an insurance case at Lloyd’s has excited much attention, the verdict apparently being little calculated to increase the confidence of mercantile men, whether at home or abroad, in appealing to English law upon points which depend in any way upon commercial custom. Mr. Engelhardt, of London, on account of the Netherlands sugar refinery in Amsterdam, bought of Messrs. Goodall, Chilton, and Co., a cargo of sugar which had just arrived off Plymouth from Bahia. On the cargo reaching Amsterdam it was found to be damaged. Lloyd’s agent at that place immediately took the usual steps on the part of the underwriters;

* A poison very difficult to trace. Palmer was found guilty.



